

FILED

MAR 25 2014

**SPECIAL ORDINANCE NO. 11, 2014**

**CITY CLERK**

**AN ORDINANCE VACATING A PORTION OF A  
PUBLIC ALLEY LOCATED IN THE CITY OF  
TERRE HAUTE, INDIANA**

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana:

SECTION 1. Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of a public alley located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

Commencing at the Northeast corner of Lot 115, thence easterly to the Northwest corner of Lot 116, thence southerly with the West line of Lot 116 to the Southwest corner of Lot 116, thence westerly to the Southeast corner of Lot 115, thence northerly with the East line of Lot 115 to the point of beginning.

All in Patrick's Subdivision, City of Terre Haute, Vigo County, State of Indiana, as recorded June 6, 1872, in Plat Record 2, Page 6 records of the Vigo County Recorder's Office.

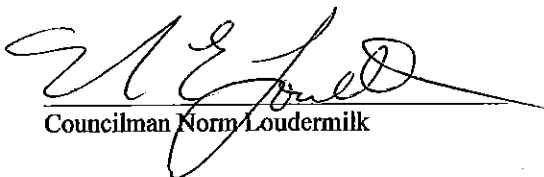
Subject to all existing utility easements or rights of utilities in existing facilities.

SECTION 2. Be it further ordained that said alleyway in the City of Terre Haute, Indiana, above-described, be and the same is hereby vacated and will revert to the abutting property owners, subject to the continuation of any and all existing easements for public utilities.

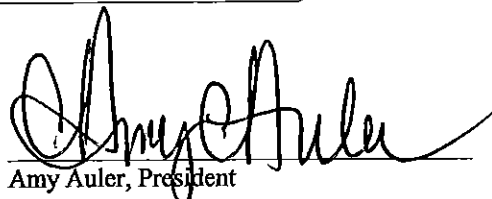
SECTION 3. Be it further ordained that the City Clerk be, and hereby is directed to furnish a copy of this ordinance to the Recorder of Vigo County, Indiana, for recording and to the Auditor of Vigo County, Indiana.

WHEREAS, an emergency exists for the immediate taking of effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the mayor and publication as required by law.

Presented by Council member:

  
Councilman Norm Loudermilk

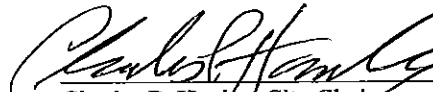
Passed in Open Council this 8<sup>th</sup> day of May, 2014.

  
Amy Auler, President


ATTEST:


  
Charles P. Hanley, City Clerk

Presented by me to the mayor this 9<sup>th</sup> day of May, 2014.


  
Charles P. Hanley, City Clerk

Approved by me, the mayor, this 9<sup>th</sup> day of MAY, 2014.

  
Duke A. Bennett, Mayor

Attest: , Charles P. Hanley, City Clerk.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

  
James Counterman  
2420 5<sup>th</sup> Avenue  
Terre Haute, Indiana 47807

This instrument prepared by James Counterman, 2420 5<sup>th</sup> Avenue, Terre Haute, Indiana 47807.

# PETITION FOR THE VACATION OF PUBLIC ALLEYWAY

## TO THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA

The undersigned Petitioner, Amvets Post 222, an Indiana Corporation, as owner of lands abutting a certain alleyway platted in the City of Terre Haute, Vigo County, Indiana, respectfully petition and request the legislative body of the City of Terre Haute, Indiana, to vacate that portion of the public alleyway described below pursuant to the provisions of I.C. 36-7-3-12, and in support of this Petition, would show the Common Council of said City of Terre Haute as follows:

1. The Petitioner is the owner of the following described real estate located in Vigo County, State of Indiana, to-wit:

Lots 111, 112, 113, 114, 115, 116, 10' off the west side of Lot 117 and 40' off the east side of Lot 117, in Patrick's Subdivision as shown by a plat thereof, recorded June 6, 1872, in Plat Record 2, Page 6, records of the Recorder's Office of Vigo County, State of Indiana.

Said real estate is more commonly known as 2420 5<sup>th</sup> Avenue, Terre Haute, Indiana 47807, and is generally bounded as follows:

On the north, a public alleyway running east and west between Lots 111 and 117.

On the west, by 24<sup>th</sup> Street.

On the south, by 5<sup>th</sup> Avenue.

On the east, by Lot 118

Attached hereto as Exhibit A is a copy of a portion of the plat showing the subject properties and the public alley which Petitioner seeks to have vacated ( section of alleyway proposed to be vacated is highlighted in yellow).

2. The portions of the public alley and access to be vacated are particularly described as follows:

Commencing at the Northeast corner of Lot 115, thence easterly to the Northwest corner of Lot 116, thence southerly with the West line of Lot 116 to the Southwest corner of Lot 116, thence westerly to the Southeast corner of Lot 115, thence northerly with the East line of Lot 115 to the point of beginning.

All in Patrick's Subdivision, City of Terre Haute, Vigo County, State of Indiana.

Subject to all existing utility easements or rights of utilities in existing facilities.

3. No landowner adjoining the alleyway to be vacated would be adversely affected by the vacation of this said alleyway. Petitioner would also show that Petitioner is the sole landowner of the adjoining lots on the east and west of said alleyway.

4. Petitioner proposes the vacation of the alley in order to permit usage of the lands for the purposes of the Amvets facilities usage, and possible expansion at 2420 5<sup>th</sup> Avenue, Terre Haute, Indiana 47807.

5. The proposed alley vacation would not hinder the use of any other public way by the neighborhood in which said portion of the alley is located or to which they are contiguous. All other landowners in the area have and will continue to have access to public ways, and the proposed vacation

would not make access to any land by any person by means of a public way difficult or inconvenient; nor would the said vacation hinder any member of the public's access to a church, school or other public building or place.

6. Petitioner would show the Council that the portion of this north-south alley sought to be vacated has never been improved nor used as an alley by the public or any other known person.

7. The names and addresses of all landowners that abut that portion of the alleyway above proposed to be vacated are as follows:

Amvets Post 222  
2420 5<sup>th</sup> Avenue  
Terre Haute, Indiana 47807.

WHEREFORE, the Petitioners respectfully request and petition the Common Council of the City of Terre Haute, Indiana, after hearing on this petition in accordance with law to:

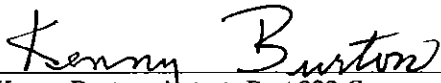
A. Adopt an Ordinance vacating that portion of the alleyway referred to and described above;

B. Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording and to the County Auditor, and thereupon cause the Recorder to release said ordinance to the Vigo County Area Planning Department for distribution in accordance with paragraph 10-125 of the City's Zoning Ordinance; and

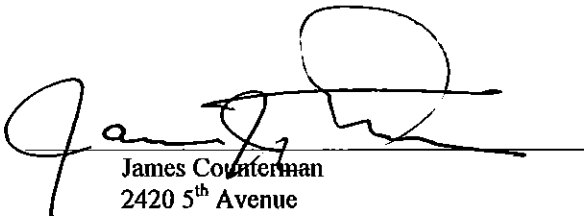
C. For all other just and proper relief in the premises.

Respectfully Submitted,

Amvets Post 222

  
Kenny Burton, Amvets Post 222 Commander  
2420 5<sup>th</sup> Avenue  
Terre Haute, Indiana 47807

I have prepared the foregoing instrument and I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

  
James Counterman  
2420 5<sup>th</sup> Avenue  
Terre Haute, Indiana 47807

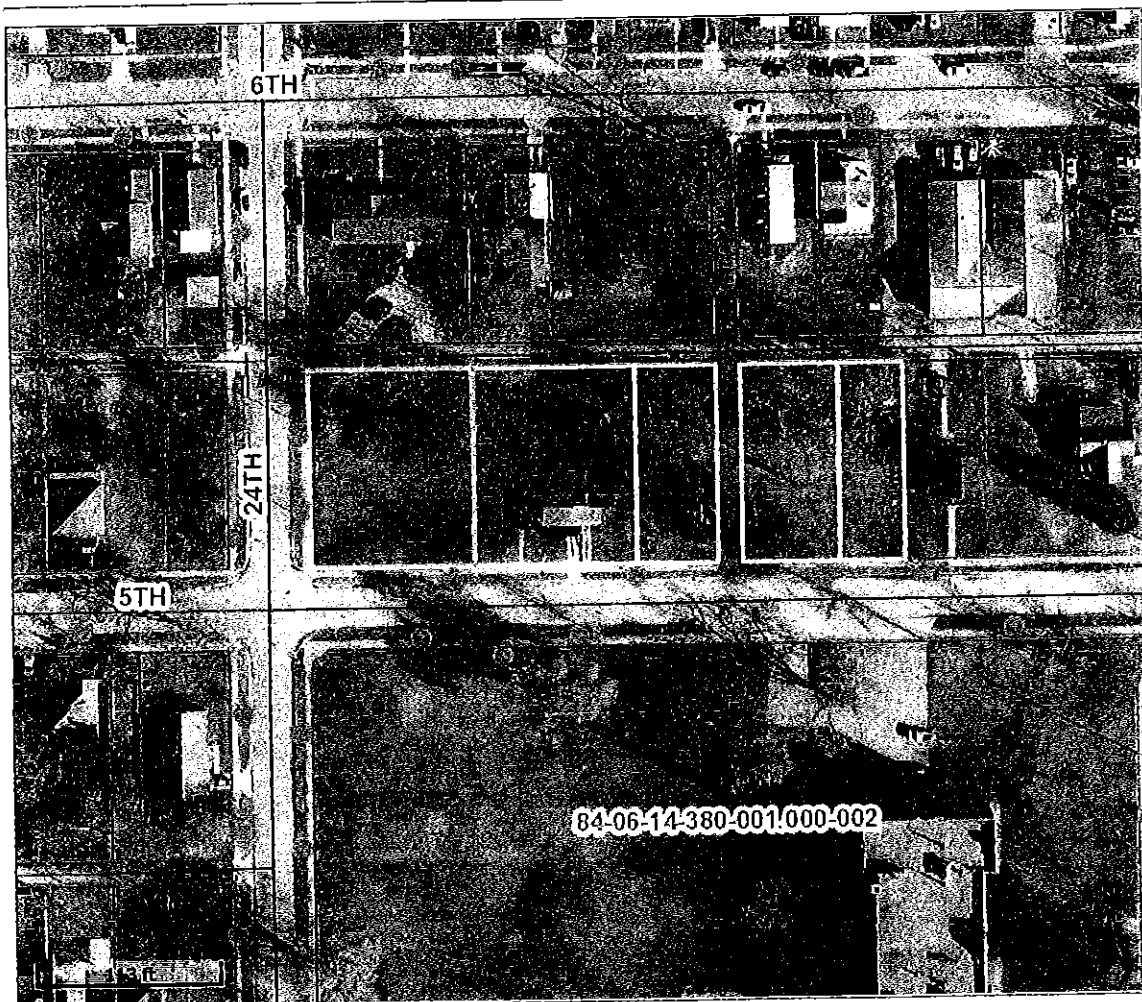
This instrument prepared by James Counterman, 2420 5<sup>th</sup> Avenue, Terre Haute, Indiana 47807.

# EXHIBIT "A"

Vigo County, IN / City of Terre Haute



Date Created: 3/10/2014



Overview

Legend

- ☐ Corporate Limits
- ☐ Political Townships
- ☐ Sections
- ☐ Blocks
- ☐ Parcels
- ☐ Road Centerlines
- ☐ Trees

<b>Parcel ID</b>	84-06-14-335-007.000-002	<b>Alternate ID</b>	118-06-14-335-007	<b>Owner Address</b>	AMVETS POST 222 A 501 (C) (3) CORPORATION OF VIGO COUNTY INDIANA 2420 5TH AVE TERRE HAUTE, IN 47807
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Exempt: Charities		
<b>Property Address</b>	2400 5TH AVE TERRE HAUTE	<b>Acreage</b>	n/a		
<b>District</b>	002 HARRISON				
<b>Brief Tax Description</b>	PATRICKS SUB D-421/88 (2400 5TH AVE) D-428/478 14-12-9 LOTS 111-112				



Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: March 25, 2014

Name: Amvets

Reason: Vacating an alley - 3450 5th Ave

TERRE HAUTE, IN  
PAID

MAR 25 2014

CONTROLLER

Cash: \$ 5.00  
Check: \_\_\_\_\_  
Credit: \_\_\_\_\_  
Total: \$ 5.00

Received By: M. Dowell PE

**CITY CLERK OF TERRE HAUTE  
ROOM 102 CITY HALL  
TERRE HAUTE, IN 47807  
812-232-3375**

To: **Engineering Department, City of Terre Haute**

Special Ordinance 11, 2014

April 16, 2014

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by April 28, 2014.

☒ No Problems Noted

☐ Problems as noted below

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Marcos E. Maurer

(Signature)

Marcos E. Maurer

(Printed name)

Staff Engineer

(Title)

4/17/2014

(Date)

**CITY CLERK OF TERRE HAUTE  
ROOM 102 CITY HALL  
TERRE HAUTE, IN 47807  
812-232-3375**

OK

To: Street Department, City of Terre Haute

Special Ordinance 11, 2014

April 16, 2014

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by April 28, 2014.

☒ No Problems Noted

☐ Problems as noted below

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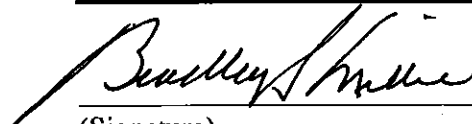
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(Signature)  
BRADLEY S. MILLER  
(Printed name)

TRANSPORTATION DIRECTOR  
(Title)  
4/17/2014  
(Date)



FILED

APR 22 2014

**CITY CLERK OF TERRE HAUTE  
ROOM 102 CITY HALL  
TERRE HAUTE, IN 47807  
812-232-3375**

**CITY CLERK**

To: **TERRE HAUTE FIRE DEPARTMENT**

Special Ordinance 11, 2014

April 16, 2014

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by April 28, 2014.

☒ No Problems Noted

☐ Problems as noted below

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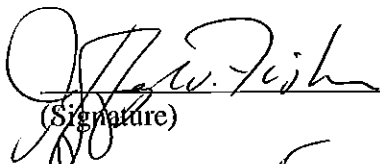
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(Signature)  
JEFFERY W. FOSTER  
(Printed name)

FIRE CHIEF  
(Title)  
4-22-14  
(Date)

FILED

APR 22 2014

**CITY CLERK OF TERRE HAUTE  
ROOM 102 CITY HALL  
TERRE HAUTE, IN 47807  
812-232-3375**

**CITY CLERK**

To: Building Inspector, City of Terre Haute

Special Ordinance 11, 2014

April 16, 2014

The street/alley as noted on attached ordinance needs posting at least ten (10) days prior to passage of ordinance. Please indicate posting date and return to the City Clerk's Office by April 28, 2014.

Dan Bell  
(Signature)

Lead Inspector  
(Title)

Daniel Bell  
(Printed name)

4-21-2014  
(Date Posted)

FILED

APR 28 2014

CITY CLERK

**CITY CLERK OF TERRE HAUTE  
ROOM 102 CITY HALL  
TERRE HAUTE, IN 47807  
812-232-3375**

To: TERRE HAUTE CITY POLICE DEPARTMENT

Special Ordinance 11, 2014

April 16, 2014

In accordance with General Ordinance 7, 1990, the City Clerk's Office must poll various departments in regard to the closing of a street or alley. Please review the attached ordinance and indicate any problems you see with the proposed closing. If there are any problems, please write in the space below. Return to the City Clerk's Office by April 28, 2014.

☒ No Problems Noted

☐ Problems as noted below

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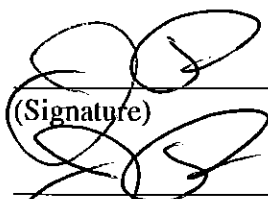
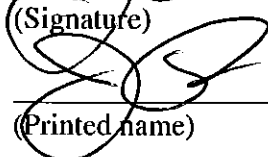
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(Signature)  
  
(Printed name)

CHIEF OF POLICE  
(Title)  
4.28.14  
(Date)